

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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|-------------------------------------|------------------------------------|
| IN RE: MI WINDOWS AND DOORS, INC.) | |
| PRODUCT LIABILITY LITIGATION) | CASE NO.: 2:12-mn-00001-DCN |
|) | MDL Docket No. 2333 |
|) | ALL CASES |

MI WINDOWS AND DOORS, INC.'S STATUS REPORT

In anticipation of the upcoming hearings, MI Windows and Doors, Inc. (“MIWD”) respectfully files the following status report for the consolidated actions. MIWD has listed the below actions in the order suggested by Homeowner Plaintiffs¹.

1. **South Carolina:** *Johnson v. MI Windows and Doors, Inc.* MDL Case No. 12-mn-00001. MIWD filed a motion to dismiss the Third Amended Complaint and a Motion for Joinder on July 26, 2012. Plaintiffs filed oppositions to both motions. MIWD intends to file a reply by August 23, 2012, and the motion to dismiss will be fully briefed by September 18.
2. **Wisconsin:** *Meifert v. MI Windows and Doors, Inc.*, MDL Case No. 12-cv-01256. MIWD filed a motion to dismiss on March 26, 2012. This motion is fully briefed.
3. **Michigan:** *Deem v. MI Windows and Doors, Inc.*, MDL Case No. 12-cv-02269. MIWD filed a partial motion to dismiss on July 5, 2012. The motion is fully briefed.
4. **Ohio:** *Wani v. MI Windows and Doors, Inc.* MDL Case No. 12-cv-01255. MIWD filed a partial motion to dismiss on February 13, 2012. Plaintiffs did not file a response to MIWD’s motion to dismiss. Plaintiffs sought a stay pending a decision on consolidation. Plaintiffs

¹ The term “Homeowner Plaintiffs” refers to the named plaintiffs in the eight matters consolidated in this Court with the following case numbers: 2:11-cv-00167; 2:12-cv-01258; 2:12-cv-01256; 2:12-cv-01255; 2:12-cv-01261; 2:12-cv-02238; 2:12-cv-02269; and 2:12-cv-02305.

also sought an extension of time to respond to MIWD's motion to dismiss. Neither the stay nor the extension were granted by the Ohio court. Plaintiffs untimely filed an opposition to MIWD's motion to dismiss in this Court on August 15, 2012. MIWD intends to file a reply by August 27, 2012, and the motion to dismiss will be fully briefed by September 18.

5. **Pennsylvania:** *Walsh v. MI Windows and Doors, Inc.*, MDL Case No. 12-cv-02238, MIWD renewed its motion to dismiss by filing it in this Court on August 6, 2012 (the motion was originally filed in federal court in Pennsylvania on February 24, 2012). Plaintiff renewed its response in opposition and MIWD intends to file a reply by August 30, 2012, and the motion to dismiss will be fully briefed on September 18.
6. **Illinois:** *Kennedy v. MI Windows and Doors, Inc.* MDL Case No. 12-cv-02305. MIWD renewed its motion to dismiss by filing it in this Court on August 14, 2012 (the motion was originally filed in federal court in Illinois on April 9, 2012). Plaintiff has yet to file a response to the motion in the transferor court or this court.
7. **North Carolina:** *DeBlaker v. MI Windows and Doors, Inc.*, MDL Case No. 12-cv-01258. MIWD filed a motion to dismiss the second amended complaint and to reconsider, or in the alternative certify for interlocutory review, denial of MIWD's motion to dismiss Counts I and II of the Amended Complaint. This motion is fully briefed. However, this Court suggested that it may be appropriate for Judge Mullen to decide the motion as it is a motion for reconsideration of Judge Mullen's prior order. As such, plaintiffs and MIWD have submitted memoranda as to whether this Court should remand the case back to Judge Mullen in the Western District for the United States District Court of North Carolina in order to rule on the motion for reconsideration.

8. **New York:** *Hildebrand v. MI Windows and Doors, Inc.*, MDL Case No. 12-cv-01261.
MIWD filed a motion to dismiss on March 30, 2012. Plaintiff Hildebrand untimely filed a response in opposition on August 17, 2012. MIWD intends to file a reply by August 27, 2012, and the motion to dismiss will be fully briefed by September 18.
9. **South Carolina:** *Lakes of Summerville, Inc. v. MI Windows and Doors, Inc.*, Case No. 12-cv-01297. MIWD filed a motion to dismiss the Amended Complaint filed on August 3, 2012. Plaintiffs filed an opposition to the motion. MIWD intends to file a reply by August 30, 2012, and the motion to dismiss will be fully briefed by September 18.
10. **Status Conference:** Case Management Order No. 1 set out an intent to have regular conferences on the status of the consolidated matters every six weeks. Based on this time frame, the parties respectfully request that the Court hold a Status Conference to address the proposed second case management order which will be submitted to the Court prior to September 18.

MIWD respectfully asks the Court to take notice of MIWD's pending motions to dismiss.

SIGNATURE PAGE TO FOLLOW

Dated: August 23, 2012

Respectfully submitted,

K&L GATES LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel or parties of record.

/s/ Richard Farrier, Jr.